



Property Transfer



The Property Transfer Program requires that the seller of certain properties or businesses disclose the environmental conditions to the buyer. If further investigation and/or remediation are necessary, the buyer and seller can negotiate the responsibility prior to the sale. At the time of the sale, the parties involved must file a form notifying the CT-DEP of the condition of the property. This provides the CT-DEP the opportunity to ensure that any identified environmental impacts associated with the property are addressed appropriately.

Legal Requirements

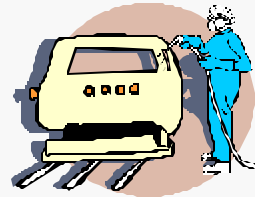
- ◆ The Property Transfer law [CGS Section 22a-134 through 22a-134e and 22a-134h] requires the disclosure of environmental conditions when certain properties or businesses (referred to as “establishments”) change ownership.

For the vehicle service industry, establishments include:

- any real property at which, or business operation from which, a vehicle body repair shop is operating or has operated, at any time since May 1, 1967, even if it is no longer in operation, or
- any real property at which any business operation from which, on or after November 19, 1980, generated more than 100 kilograms of hazardous waste in one month.

This does not include:

- 1) hazardous waste that was generated as a result of the remediation of polluted soil, groundwater or sediment, or
- 2) hazardous waste related to the resale of motor vehicle fuel from service stations (e.g., sludge from bottom of storage tanks).



- ◆ One of the four Property Transfer forms must be filed, along with its associated fee, with the CT-DEP no later than 10 days after the transfer of the establishment.
(Note: If the establishment has been sold since October 1, 1987, the parties to the past transfer should also have filed a form with the CT-DEP at the time of that sale.)

In order to determine which form to file, the parties to the transfer must evaluate the environmental condition of the entire parcel being sold. See the following description of the forms.

- Use **Form I** when there has been no release of hazardous wastes or hazardous substances.

Form I can also be used if any release(s) of hazardous substances (not hazardous wastes) have been cleaned up in accordance with the remediation standards [RCSA Section 22a-133k]. An Environmental Condition Assessment Form summarizing the environmental conditions at the site must accompany the filing.

- Use **Form II** when there has been a release(s) of hazardous waste or hazardous substance, but the site has been cleaned up in accordance with the remediation standards [RCSA Section 22a-133k].

Written documentation, either from the CT-DEP or a Licensed Environmental Professional, substantiating this filing must be submitted with Form II. Licensed Environmental Professionals (LEPs) are individuals authorized by the CT-DEP to certify clean-ups in lieu of the CT-DEP review.

- Use **Form III** when a release of hazardous waste or hazardous substance has occurred at the site which has not been cleaned up or when the environmental conditions of the site are unknown.

An Environmental Condition Assessment Form must accompany the filing of Form III.

- Use **Form IV** when a release(s) of hazardous waste or hazardous substance has occurred at the site, the site was cleaned up in accordance with the remediation standards [RCSA Section 22a-133k] and the only outstanding issue is monitoring.

An Environmental Condition Assessment Form must accompany the filing of Form IV. Written documentation, which substantiates this filing, either from the CT-DEP or a Licensed Environmental Professional, must be submitted with Form IV.

For more information or for copies of the Property Transfer forms, contact the CT-DEP's Property Transfer Program at (860) 424-3705 or you may download the Property Transfer forms from www.dep.state.ct.us/pao/download.htm.



Did you know?

The penalty for violating the property transfer law can be up to \$25,000 per day.

2004 Pit Stops Fact Sheets

Connecticut Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127
Office of Pollution Prevention (860) 424-3297 www.dep.state.ct.us/wst/p2/vehicle/abindex.htm
Fact Sheet: DEP-P2-PITSTOPS-FS-008

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